P-11=E

App. F. IX-4

1928..29.

File No. 28-28

Previous References
G.I 237-17-1

Serial Nos. 1-2

Later References

Preserve

General and Revenue Secretariat.

Serial Nos. Files

Part B for Dec 29

SUBJECT

Declaration Statements made by Partnership Firms

8(2)

To the Regr of Js Cooperation
" Commissioner
" Chief Engineer
" Chief Elec Engineer
" D.C.I. Dis & the Head of Depts
" No. D 5582-633 dt 29/11/29

Decln. that Statements furnished ... specifying the names of the partners for the purpose receiving Payment from Govt.

13/11/30

9998 (1)

App. F. III—2]

General and Revenue Secretariat | T.S File No. 28 | of 1928

Serial No.

1

From

The Registrar of Joint Stock Companies

C 68/29-30 dt 23rd May 1929

States that one Mr Kundanmull, Proprietor, Sha Ratanchand Kundanmull & Co, General Merchants and Commission Agents Shimoga, forwarded a declaration ~~Statement~~ Specifying the names of the partners of the firm and requested him to Counter Sign and return it as it was required to be deposited with the Executive Engineer, Shimoga-Arsalu Railway; that he Countersigned and returned it to Mr Kundanmull according to G.O No H 7563-612 | G.7. 237-17-1 dt 10-6-1918; that he deals only with Companies registered under the Mysore Companies Regn and Societies registered under the Societies Registration Regn; that he has no particular facilities to ascertain the Correctness or otherwise of the Statements made in the declaration in regard to unregistered ~~Societies~~ partnership Concerns; that his Counter-Signing the declarations sent by them may Create in the minds of the Officers to whom they are ~~Submitted~~ submitted that he Certifies to their genuineness; that it would be better if the declaration is made before the Local Magistrate or the Registrar and that the Order may be Suitably modified

1) Orders of the Secretary on the R.N.D

2) " Please put up the Order referred to"

(Sd.) N. R.
23-5-29.

3) Submitted the file leading to the G.O.[x] referred to, by the Registrar of Joint Stock Companies.

4) Kind reference is invited to the opinion[X] of the Financial Secretary (Mr T.S. Chakravarthi) on the Subject of the responsibility of the Regr of J.S.Cos with regard to the private partnerships.

CBR
28/5

[x] Flag "R"

[X] Flag "L"

Note—Contn. Sheet

WD 01651—GPB—30,000—29-4-29

Serial No.

5) There is much force in the Registrar's contention that the when fail they seem to have raised the same question (2).

6) Perhaps it would be better if the firms were asked to deposit the specimen signature of the person empowered by them to sign their bills & receipts. The partners may not always be available, but if they authorise one of their employees to sign their receipts this ought to be sufficient.

7) The L & L may be consulted.

Secy 29

Cer 28.6.29

C.V/b

8) The position is this:
The responsibility for obtaining a valid sanction is with the "counter-signing Officer or the audit officer".

9) Un registered partnership firms having frequent transactions are required to deposit with Disbursers a declaration Countersigned by the Regr of Jt Stock Cos. specifying the names of the partners — and a payment to any partner is in law payment to the firm.

10) But the Regr of J. S. Cos has nothing particular to do with unregistered partnerships, and is in no position to know or verify whether the specification in the declaration is true. A declaration by the

WD 01684—GPB—30,000—20-4-29

4/
I.D

1250/P 29

App. F. III—2j

General and Revenue Secretariat.

J. S File No. 28 of 192 8.

Serial No.

Does not carry the same guarantee of truth as an affidavit or a sworn affirmation before a Magistrate or a Sub-Regr.

11) It is however very likely that the legally ineffectual countersignature might create a false sense of security in the minds of disbursing officers.

12) I think it is necessary to amend the G.O. by prescribing that the declaration shd be sworn to before a Magistrate or a Sub-Regr.

1st Member
Through d. 7x
x 7c 6/9

2 7 29

Cen 29

A/ 13) Most carefully before a magistrate

9.9.29

14) I agree

9/9/29

15) Yes
A Stipendiary Magte

13.9.29

13 9 29

Cen 29

GEN. & REV. SECRETARIAT'S
5 SEP. 1929
DEVELOPMENT BRANCH.

X903
5/9/29

GEN. & REV. SECRETARIAT'S
10 SEP. 1929
DEVELOPMENT BRANCH.

FINANCIAL SECRETARY
9 SEP. 1929
3137

16/64
10/9

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—16-4-29

9998

App. F. III—2]

General and Revenue Secretariat. | J. S. File No. 28 of 1928.

Serial No.

16) Submitted with a draft.
CBR
20/9
Secy
Opn: for approval

Cer
27. 9. 29

Please put up clean off as revised
4 11 29
Cer
4/11

Subd with a typed draft
Asst
8/11/29
Secy

Cer
12. XI. 29

Issue
23 11 29
Cer
25/11

2 " D 5592-633 dated 29 11-29
To the Regr of Jt Stock Companies,
the Comptroller, the Chief Engr, the Chief Elect
Engineer, Dy Commrs of Pols, Other Head of Depts
Directing that the declaration statement
should in future be sworn to before a Stipendiary
Magistrate & attested by him under the seal of his
Court instead of being countersigned by the
Regr of Jt Stock Companies.

GEN. & REV. SECRETARIAT
17 DEC. 1929
DEVELOPMENT BRANCH

NOTE—Contn. Sheet

WD 01714—GPB—30,000—18-4-28

28-28-1

Please put with the order ref 25

GOVERNMENT OF MYSORE.

IN REPLY PLEASE REFER TO NO. C.68/29-30 ENCL. —

23/5/29

Office of the Registrar of Joint Stock Companies in Mysore.

Dated, Bangalore....23rd May 1929.

FROM

S. P. Rajagopalachari, Esq., B.A., B.L.,
Registrar of Joint Stock Companies in Mysore.

GEN. & REV. DEPT. 9998 24 MAY 1929 DEVELOPMENT BRANCH

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Development Departments,
Bangalore.

S i r ,

I have the honour to state that one Mr. Kundanmull, Proprietor, Sha Ratanchand Kundanmull & Co., General Merchants and Commission Agents, Doddapet, Mysore, forwarded a declaration specifying the names of the partners of the said firm and requested me to countersign and return it as it was required to be deposited with the Executive Engineer, Shimoga-Arasalu Railway. Under G.O. No. R. Fl.7563-612-G.F.237-17-1 dated 10th June 1918 (a summary of the order is given as Note 2 under Section 13 of the Mysore Account Code, Vol I), I countersigned and returned it to Mr. Kundanmull.

(2) In this connection, I wish to bring to the notice of Government that I deal only with companies registered under the Mysore Companies Regulation and Societies registered under the Societies Registration Regulation and I have no particular facilities to ascertain the correctness or otherwise of the statements made in the declaration in regard to unregistered partnership concerns. It is just possible that my countersigning the declarations sent by them may create in the minds of the officers to whom they are submitted that I certify to their genuineness. If the object is to create in the minds of the declarer the impression that he is to declare the truth, it will be better gained if it is made before the local Magistrate or a Sub Registrar. I would therefore submit that

the

the order referred to above may be suitably modified.

I have the honour to be,

S i r ,

Your most obedient servant,

J P Maynard

NPS.

R E G I S T R A R .

Typed Draft

3

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Read -

G.O. No.Fl.7563-612/G.F. 237-17-1 dated the 10th June 1918 passing orders re regarding the valid acquittance to be obtained for payments made to Partnership Firms on account of article supplied to Government Departments and, among other things, directing that in the case of partnership firms having frequent transactions, they should be asked to deposit with the disburser before receiving first payment, a declaration specifying the names of the partners and countersigned by the Government Registrar of Joint Stock Companies.

2. Letter No.C 68/29-30 dated the 23rd May 1929 from the Registrar of Joint Stock Companies in Mysore suggesting that, for reasons explained, the clause referred to in the G.O. read above may be suitably modified as indicated.

Order No.D. 5582 633

Dated, Bangalore, 24th November 1929.

The Registrar points out that he is concerned only with companies registered under the "Mysore Companies Regulation and Societies registered under the "Societies Registration Regulation and has no particular facilities to ascertain the correctness or otherwise of the statements made in the declaration of partners by --

unregistered partnership concerns and produced before him for countersignature in consonance with the G.O. read above. He suggests, therefore, that such declarations might in future be required to be made and signed before a Magistrate or a Sub Registrar, as that procedure would better impress on the minds of the declarers the necessity of making a true declaration. Govt. agree in this view, and are pleased in modification of the instructions given in the G.O. of the 10th June 1918 to direct that such declarations in future be sworn to before a stipendiary Magistrate and attested by him under the seal of his Court instead of being countersigned by the Registrar of Joint Stock Companies.

The G.O. read in the preamble will be modified to this extent and the 3rd paragraph as amended will read as follows:

" The Suptg. Engr, Bowringpet Circle, who was consulted in the matter, is of opinion that in the case of obscure firms who have transactions once in a way, if the disbursing officer issues a certificate that payment was made to the best of his knowledge to the correct party, such certificate might be accepted by the Audit Office without question; and that in a case of partnership firms having frequent transactions, they should be asked to deposit with the disburser before receiving first payment,

a declaration specifying the names of partners, sworn to before a stipendiary Magistrate, and attested by such Magistrate with his signature and the seal of his Court."

23/11/29

Secy. to Govt. Dev. Deptts.

To

The Registrar of Joint Stock Companies.
The Comptroller to Govt. ~~through C.D.~~
The Chief Engineer in Mysore.
The Chief Electrical Engineer in Mysore.
The Other Heads of Departments.
The Dy Commrs of Districts

ACH. 7/11.

App. F. VI G 10.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

Declaration Statements made by partnership Firms

Direct that in future the ——— Specifying the names of the partners for purposes of receiving payment from Govt should be sworn before a Stipendiary Magistrate & attested by him under the seal of his Court instead of being countersigned by the Regular of Joint Stock Companies

G. O. No. Ⓐ S 582-633 J.S. 28-12-2 DATED 29-11-1929

May this be

i. printed? Yes.

ii. treated as a standing order? Yes

iii. published in the Gazette English Part? Yes, perhaps, as it seems to be of sufficient public importance

iv. translated? Yes

v. placed at the disposal of the press? Yes

vi. published in the Gazette Kannada Part? — For orders. yes

Ch
4.XII.29

3/12/1929

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. D. 5582-633—J. S. 28-28-2, dated 29th November 1929.

Declaration statements made by Partnership Firms.

Directs that, in future, the —— specifying the names of partners for purposes of receiving payment from Government should be sworn to before a stipendiary Magistrate and attested by him under the seal of his Court instead of being countersigned by the Registrar of Joint Stock Companies.

READ—

Government Order No. Fl. 7563-612—G. F. 237-17-1, dated the 10th June 1918, passing orders regarding the valid acquittance to be obtained for payments made to Partnership Firms on account of articles supplied to Government Departments and among other things, directing that in the case of partnership firms having frequent transactions, they should be asked to deposit with the disburser before receiving first payment, a declaration specifying the names of the partners and countersigned by the Government Registrar of Joint Stock Companies.

2. Letter No. C. 68—29-30, dated 23rd May 1929, from the Registrar of Joint Stock Companies in Mysore, suggesting that, for reasons explained, the clause referred to in the Government Order read above may be suitably modified as indicated.

ORDER No. D. 5582-633—J. S. 28-28-2, DATED 29TH NOVEMBER 1929.

The Registrar points out that he is concerned only with companies registered under the "Mysore Companies Regulation" and Societies registered under the "Societies Registration Regulation" and has no particular facilities to ascertain the correctness or otherwise of the statements made in the declaration of partners by unregistered partnership concerns and produced before him for countersignature in consonance with the Government Order read above. He suggests, therefore, that such declarations might in future be required to be made and signed before a Magistrate or a Sub-Registrar, as that procedure would better impress on the minds of the declarers the necessity of making a true declaration. Government agree in this view, and are pleased, in modification of the instructions given in the Government Order of the 10th June 1918, to direct that such declarations in future be sworn to before a stipendiary Magistrate and attested by him under the seal of his Court, instead of being countersigned by the Registrar of Joint Stock Companies.

N. RAMA RAO,
Secretary to Government,
Development Departments.

To—The Registrar of Joint Stock Companies in Mysore.
The Comptroller to the Government of Mysore.
The Chief Engineer in Mysore.
The Chief Electrical Engineer in Mysore.
The Deputy Commissioners of Districts.
The Other Heads of Departments.

Exd.—P. S. R. N.

WD 1629—GPB—725—11-12-29.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. D. 5582-633—J. S. 28-28-2, dated 29th November 1929.

Declaration statements made by Partnership Firms.

Directs that, in future, the —— specifying the names of partners for purposes of receiving payment from Government should be sworn to before a stipendiary Magistrate and attested by him under the seal of his Court instead of being countersigned by the Registrar of Joint Stock Companies.

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Government Order No. Fl. 7563-612—G. F. 237-17-1, dated the 10th June 1918, passing orders regarding the valid acquittance to be obtained for payments made to Partnership Firms on account of articles supplied to Government Departments and among other things, directing that in the case of partnership firms having frequent transactions, they should be asked to deposit with the disburser before receiving first payment, a declaration specifying the names of the partners and countersigned by the Government Registrar of Joint Stock Companies.

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N. RAMA RAO,
Secretary to Government,
Development Departments.

To—The Registrar of Joint Stock Companies in Mysore.
The Comptroller to the Government of Mysore.
The Chief Engineer in Mysore.
The Chief Electrical Engineer in Mysore.
The Deputy Commissioners of Districts.
The Other Heads of Departments.

Exd.—P. S. B. N.

WD 1629—GPB—725—11-12-29.